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EXAMINER

LEE, CHEUKFAN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/053,673
Filing Date: January 24, 2002
Appellant(s): HOOVER ET AL.

David R. Risley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 25, 2006 appealing from the
Office action mailed April 6, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. However, the rejections of dependent claims 2, 3, 8, 24-26, 55, 56, 61, 71, and 72 rejected under 35 U.S.C. 102(e) as being anticipated by Mazzagatte et al. (U.S. Patent No. 6,862,583), are withdrawn in view of Appellant's remarks on pages 11-12 and page 14, and the rejections of dependent claims 2, 3, 8, 20, 21, 23-26, 55, 56, 61, 71, and 72 under 35 U.S.C. 102(e) as being anticipated by Matsubayashi et al. (U.S. Publication No. 2003/0093670) are withdrawn in view of Appellant's remarks on pages 16-18 and page 19.

The above stated claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct. However, the U.S. Publication Number of Matsubayashi et al. contained in that statement, 2003/10093670, is incorrect. The correct U.S. Publication No. is 2003/0093670.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 4-7, 9, 54, 57-60, 62, and 93-96 have been rejected under U.S.C. § 102(e) as being anticipated by Mazzagatte et al. (U.S. Patent No. 6,862,583).
2. Claims 1, 4, 9, 16, 17, 19, 22, 54, 57, 62, 67, 68, 93, 97, and 98 have been rejected under 35 U.S.C. § 102(3) as being anticipated by Matsubayashi et al. (U.S. Patent Application Publication No. 2003/0093670).

(10) Response to Argument

Art Unit: 2625

First, the final rejection under Mazzagatte et al. (U.S. Patent No. 6,862,583) and the final rejection under Matsubayashi et al. (U.S. Publication No. 2003/0093670 A1) are presented below as A and B, respectively. Then response to Appellant's argument follows as C.

A. Rejection under Mazzagatte

Claims 1,4-7, 9, 54, 57-60, 62, and 93-96 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzagatte et al. (U.S. Patent Number 6,862,583, cited in the Office action dated 10/4/05 under Pertinent Prior Art).

Regarding claim 1, Mazzagatte discloses a method for mobile printing, comprising creating a print data on a client computer (column 3, line 56-column 4, line 12, and column 7, line 46-column 8, line 43), transferring the print data from the client computer to an On-the-Go Print Queue on the internet for storage (column 3, lines 45-64, column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56), recording a reference to the On-the -Go Print Queue on a portable computing device connected to the client computer (column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56), connecting the portable computing device to a printer having Internet access capability and programmed to read references from portable computing devices (column 4, lines 13-48, and column 9, line 46-column 10, line 24), reading with the printer the reference to the On-the-Go Print Queue from the portable computing

Art Unit: 2625

device (column 4, lines 13-48, and column 9, line 46-column 10, line 24), accessing the On-the-Go Print Queue with the printer (column 10, lines 1-37), and receiving with the printer the print data stored on the On-the-Go Print Queue (column 10, lines 1-40), and printing the print data on the printer (column 10, lines 31-40).

Regarding claim 4, Mazzagatte discloses the method discussed above in claim 1, and further teaches of converting the print data to generic print data; and wherein the transferring comprises transferring the generic print data to the On-the-Go Print Queue (column 3, lines 45-64, column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56).

Regarding claim 5, Mazzagatte discloses the method discussed above in claim 1, and further teaches of encrypting the print data (column 8, line 31-column 9, line 67, and column 11, line 40-column 12, line 3); and wherein the transferring comprises transferring the encrypted print data to the On-the-Go Print Queue (column 8, line 31-column 10, line 56); and wherein the portable computing device includes a key for decryption recorded therein (column 11, line 40- column 12, line 3).

Regarding claim 6, Mazzagatte discloses the method discussed above in claim 5, and further teaches that the encrypting comprises encrypting with a session key; and encrypting the session key using a public key (column 8, line 31-column 9, line 67, and column 11, line 40- column 12, line 3).

Regarding claim 7, Mazzagatte discloses the method discussed above in claim 5, and further teaches that the encrypting is performed using a public key from a public

Art Unit: 2625

key-private key pair; and wherein the key for decryption is the private key (column 8, line 31-column 9, line 67, and column 11, line 40-column 12, line 3).

Regarding claim 9, Mazzagatte discloses the method discussed above in claim 1, and further teaches that the portable computing device is a smart card and wherein connecting the portable computing device to the printer comprises inserting the smart card into the printer (column 4, lines 13-48, and column 9, line 46-column 10, line 24).

Regarding claim 54, Mazzagatte discloses a program product for mobile printing, stored on a computer-readable media (see Figs. 1-4), the program product comprising machine-readable program code for transferring print data to an On-the-Go Print Queue on the internet for storage (column 3, lines 45-64, column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56), recording a reference to the On-the -Go Print Queue on a portable computing device (column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56), reading with a printer the reference to the On-the-Go Print Queue from the portable computing device (column 4, lines 13-48, and column 9, line 46-column 10, line 24), accessing the On-the-Go Print Queue with the printer (column 10, lines 1-37), and receiving with the printer the print data stored on the On-the-Go Print Queue to enable printing of the print data on the printer (column 10, lines 31-40).

Regarding claim 57, Mazzagatte discloses the program product discussed above in claim 54, and further teaches of code for converting the print data to generic print data; and wherein the transferring comprises transferring the generic print data to the

Art Unit: 2625

On-the-Go Print Queue (column 3, lines 45-64, column 8, line 20-column 9, line 7, and column 9, line 42-column 10, line 56).

Regarding claim 58, Mazzagatte discloses the program product discussed above in claim 54, and further teaches of code for encrypting the print data (column 8, line 31-column 9, line 67, and column 11, line 40-column 12, line 3); and wherein the transferring comprises transferring the encrypted print data to the On-the-Go Print Queue (column 8, line 31-column 10, line 56); and wherein the portable computing device includes a key for decryption recorded therein (column 11, line 40-column 12, line 3).

Regarding claim 59, Mazzagatte discloses the program product discussed above in claim 58, and further teaches that the encrypting comprises encrypting with a session key; and encrypting the session key using a public key (column 8, line 31-column 9, line 67, and column 11, line 40-column 12, line 3).

Regarding claim 60, Mazzagatte discloses the program product discussed above in claim 58, and further teaches that the encrypting is performed using a public key from a public key- private key pair; and wherein the key for decryption is the private key (column 8, line 31-column 9, line 67, and column 11, line 40-column 12, line 3).

Regarding claim 62, Mazzagatte discloses the program product discussed above in claim 54, and further teaches that the portable computing device is a smart card configured for insertion into the printer (column 4, lines 13-48, and column 9, line 46-column 10, line 24).

Regarding claim 93, Mazzagatte discloses a printer for facilitating mobile computing (see Fig. 1, digital copier 30 or printer 50, see abstract), comprising a component for accessing the internet (column 3, line 45-column 4, line 48); structure for reading a smart card and obtaining from the smart card a reference to an On-the-Go print queue on the Internet (column 4, lines 13- 48, and column 9, line 46-column 10, line 24); a component for accessing the On-the-Go print queue and downloading therefrom print data (column 10, lines 1-37); and structure for printing the print data (column 10, lines 31-40).

Regarding claim 94, Mazzagatte discloses the printer discussed above in claim 93, and further teaches of decryption engine for decrypting the print data prior to printing (see Fig. 3, encryption/decryption logic 355, column 11, line 40-column 12, line 3).

Regarding claim 95, Mazzagatte discloses the printer discussed above in claim 94, and further teaches of a component for accessing the smart card to obtain a decryption key in order to facilitate the decryption of the print data (column 11, line 40-column 12, line 3).

Regarding claim 96, Mazzagatte discloses the printer discussed above in claim 94, and further teaches of a component for causing the smart card to decrypt a session key, and a decryption engine for decrypting the print data using the session key (see Fig. 3, encryption/decryption logic 355, column 11, line 40-column 12, line 3).

B. Rejection under Matsubayashi et al.

Art Unit: 2625

Claims 1, 4, 9, 16, 17, 19, 22, 54, 57, 62, 67, 68, 93, 97, and 98 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsubayashi et al. (U.S. Patent Application Publication 2003/0093670, cited in the Office action dated 10/4/05 under Pertinent Prior Art).

Regarding claim 1, Matsubayashi discloses a method for mobile printing, comprising creating a print data on a client computer (paragraphs 0057-0058, and 0085), transferring the print data from the client computer to an On-the-Go Print Queue on the internet for storage (paragraphs 0088-0092), recording a reference to the On-the-Go Print Queue on a portable computing device connected to the client computer (paragraphs 0085-0087), connecting the portable computing device to a printer having Internet access capability and programmed to read references from portable computing devices (paragraphs 0104-0106), reading with the printer the reference to the On-the-Go Print Queue from the portable computing device (paragraphs 0104- 0106), accessing the On-the-Go Print Queue with the printer (paragraphs 0108-0111), and receiving with the printer the print data stored on the On-the-Go Print Queue (paragraphs 0108- 0117), and printing the print data on the printer (paragraphs 0113-0117).

Regarding claim 4, Matsubayashi discloses the method discussed above in claim 1, and further teaches of converting the print data to generic print data; and wherein the transferring comprises transferring the generic print data to the On-the-Go Print Queue (paragraphs 0085- 0094).

Regarding claim 9, Matsubayashi discloses the method discussed above in claim 1, and further teaches that the portable computing device is a smart card and wherein connecting the portable computing device to the printer comprises inserting the smart card into the printer (paragraphs 0104-0111).

Regarding claim 16, Matsubayashi discloses the method discussed above in claim 1, and further teaches that after accessing the On-the-Go Print Queue, displaying a list of jobs available for printing on a front panel display of the printer (see Figs. 17A-17D, paragraphs 0134-0138).

Regarding claim 17, Matsubayashi discloses the method discussed above in claim 1, and further teaches that after accessing the On-the-Go Print Queue, displaying print parameter options on a front panel display of the printer (see Figs. 17A-17D, paragraphs 0134-0138).

Regarding claim 19, Matsubayashi discloses the method discussed above in claim 16, and further teaches of reordering print jobs in the On-the-Go Print Queue with the printer front panel display (see Figs. 17A-17D, paragraphs 0134-0138).

Regarding claim 22, Matsubayashi discloses the method discussed above in claim 1, and further teaches of linking to an accounting system to bill/debit a user account for the cost of printing (paragraphs 0141-0142).

Regarding claim 54, Matsubayashi discloses a program product for mobile printing, stored on a computer-readable media, the program product comprising machine-readable program code for transferring print data to an On-the-Go Print Queue on the internet for storage (paragraphs 0088-0092), recording a reference to the On-the

Art Unit: 2625

-Go Print Queue on a portable computing device (paragraphs 0085-0087), reading with a printer the reference to the On-the-Go Print Queue from the portable computing device (paragraphs 0104-0106), accessing the On-the-Go Print Queue with the printer (paragraphs 0108-0111), and receiving with the printer the print data stored on the On-the-Go Print Queue to enable printing of the print data on the printer (paragraphs 0113-0117).

Regarding claim 57, Matsubayashi discloses the program product discussed above in claim 54, and further teaches of code for converting 'the print data to generic print data; and wherein the transferring comprises transferring the generic print data to the On-the-Go Print Queue (paragraphs 0085-0094).

Regarding claim 62, Matsubayashi discloses the program product discussed above in claim 54, and further teaches that the portable computing device is a smart card configured for insertion into the printer (paragraphs 0104-0111).

Regarding claim 67, Matsubayashi discloses the program product discussed above in claim 54, and further teaches of code for displaying a list of jobs available for printing on a front panel display of the printer (see Figs. 17A-17D, paragraphs 0134-0138).

Regarding claim 68, Matsubayashi discloses the program product discussed above in claim 54, and further teaches of code for displaying print parameter options on a front panel display of the printer (see Figs. 17A-17D, paragraphs 0134-0138).

Regarding claim 93, Matsubayashi discloses a printer for facilitating mobile computing, comprising a component for accessing the internet (paragraphs 0085-0087);

Art Unit: 2625

structure for reading a smart card and obtaining from the smart card a reference to an On-the-Go print queue on the Internet (paragraphs 0085-0087); a component for accessing the On-the-Go print queue and downloading therefrom print data (paragraphs 0108-0111); and structure for printing the print data (paragraphs 0113-0117).

Regarding claim 97, Matsubayashi discloses the printer discussed above in claim 93, and further teaches of a display screen and a component for displaying queued print jobs for a user in the display screen (see Figs. 17A- 17D, paragraphs 0134-0138).

Regarding claim 98, Matsubayashi discloses the printer discussed above in claim 97, and further teaches of a component for enabling reordering print jobs displayed in the display screen (see Figs. 17A-17D, paragraphs 0134-0138).

C. Response to Appellant's Arguments

1. Response to arguments with regard to rejection under Mazzagatte et al.

With regard to claim 1, Appellant argues on page 7 that Mazzagatte et al. does not teach the claimed "recording a reference to the On-the-Go Print Queue on a portable device" because Mazzagatte et al. only describes "unique identification information of the intended recipient being stored on the smart card that is used to authenticate the person presenting the smart card as being the intended recipient."

In the advisory action (page 2), the examiner agreed with Applicant/Appellant in that "Mazzagatte et al. stores unique information of an intended recipient on a portable

Art Unit: 2625

computing device.” The Examiner pointed out the section of Mazzagatte et al., i.e., col. 10, lines 13-24, that teaches the unique identification information is used for referencing the print queue. Advisory action, page 2. That portion of Mazzagatte et al. states, including line 12:

Once the intended recipient is authenticated, the printer then determines whether there are any print jobs queued for the intended recipient (step S605). In this process, the printer again utilizes the unique identification information of the intended recipient. The printer utilizes the information presented by the smart-card and compares it to the identification information stored in the print queue. If the printer determines that print jobs are queued for the intended percipient, the printout process continues.

Appellant argues that from the above section of Mazzagatte et al., “Mazzagatte does not actually teach recording a “reference to” a print queue on a portable computing device. Instead, Mazzagatte speaks only of comparing the user identification information to information contained in Mazzagatte’s print queue.” However, from the above section or portion of Mazzagatte, it is inherent that in the authenticating process on the user’s unique identification information, the unique identification information is recorded in the smart-card (portable computer device) before being presented for comparison with the identification information stored in the print queue. And, as stated in the advisory action, Mazzagatte teaches that the unique identification information is used for referencing the print queue. Thus, Mazzagatte’s unique identification

Art Unit: 2625

information meets the claimed "reference", and Mazzagatte teaches "recording a reference to the On-the-Go Print Queue on a portable computing device connected to the client computer" as claimed in claim 1.

As to Appellant's argument that "the Examiner's interpretation of a 'reference to' a print queue is contrary to the plain and ordinary meaning of the phrase and Applicant's specification" (page 9), the Examiner disagrees with this statement. Appellant cited Merriam Webster's Online Dictionary for its definition of "reference" as being "something that refers" (page 9). The unique identification information of Mazzagatte is something that refers, i.e., the unique identification information refers to the print queue for the recipient having that unique identification information. Further, noting that a claim term should be interpreted in light of Applicant/Appellant's specification, the Examiner's interpretation of Mazzagatte's unique identification information to meet the claimed "reference" is consistent with the above dictionary definition of "reference", just as the meaning to the phrase "reference to" a print queue, which meaning is attached by Appellant's specification is consistent with the above dictionary definition (page 9, last paragraph of the Brief). Thus, the claimed phrase has been interpreted correctly, and Mazzagatte has been interpreted correctly to meet the claimed limitation with respect to "reference".

Appellant further argues that it is unclear how Mazzagatte's printer knows where the printer queue is. Page 10. In response, the Examiner refers to the section of Mazzagatte at col. 10, lines 12-24, which states, "Once the intended recipient is authenticated, the printer then determines whether there are any print jobs queued for

Art Unit: 2625

the intended recipient." The printer utilizes the information presented in the smart card and compares it to the identification stored in the print queue ... If the printer determines that print jobs are queue for the intended recipient, the printout process continues." The above section teaches that the printer knows where the print queue is.

Still with regard to claim 1, Appellant argues on page 10 that Mazzagatte does not teach "connecting the portable computing device to a printer programmed to read references from portable computing devices" and "reading with the printer the reference to the print queue from the portable computing device" since Mazzagatte's printer is described as being programmed to read unique identification information of the intended recipient from the smart card. Page 7, (ii) and (iii). As discussed above with regard to "reference" or "reference to", Mazzagatte teaches in the section described at col. 10, lines 13-24 that the unique identification information of the intended recipient is used as a reference to the print queue, and that the printer is programmed to read the references to the print queue from the portable computer device (smart card), as discussed in the advisory action, pages 2-3. Therefore, Mazzagatte teaches reading with the printer the reference to the print queue from the portable computing device.

The rejection of dependent claims 4-7 and 9 stands for the reasons given for their independent claim 1.

With regard to independent claim 54, Appellant argues on page 13, that Mazzagatte does not teach either "recording a reference to the On-the-Go Print Queue

Art Unit: 2625

from the portable computing device” for the reasons described in the arguments presented for claim [1], that Mazzagatte only describes “unique identification information of the intended recipient” being stored on the smart card (portable computing device). In response, the Examiner maintains the rejection for the same reasons as given above for claim 1 with respect to the claim steps of “recording” and “reading”.

The rejection of dependent claims 57-60 and 62 are maintained for the reasons as given for their independent claim 54.

With regard to independent claim 93, Appellant argues on page 14, that Mazzagatte does not teach a printer comprising “structure for reading a smart card and obtaining from the smart card a reference to an On-the-Go print queue on the Internet”, given the same reason as described in the arguments present for claim 54. The Examiner maintains the rejection for the same reasons as given above for claim 1 with respect to the limitation of “reading ...”.

2. Response to arguments with regard to rejection under Matsubayashi et al.

With regard to claim 1, Appellant argues on pages 15-16, that Matsubayashi does not teach “recording a reference to the On-the-Go Print Queue on a portable computing device”, that the printer is “programmed to references” from the portable computing device, or “reading with the printer the reference to the On-the-Go Print

Art Unit: 2625

Queue from the portable computing device” because, similar to the method described in Mazzagatte, the method of Matsubayashi comprises storing “unique identification information” on a smart card (portable computing device) and reading the “unique identification information” of the intended recipient from the smart card with the printer to authenticate the person presenting the smart card as being the intended recipient.

Pages 15-16 of the Brief. In response, the Examiner refers to the above response to Appellant’s argument described for claim 1 rejected under Mazzagatte, since Mazzagatte and Matsubayashi are similar to each other as acknowledged by Appellant, and retains the rejection of claim 1.

The rejections of dependent claims 4, 9, 16, 17, 19, and 22 are maintained for the same reasons as given for their independent claim 1.

With regard to independent claim 54, Appellant argues on page 18 that Matsubayashi does not teach a program produce comprising code for “recording a reference to the On-the-Go Print Queue on a portable computing device” or “reading with a printer the reference to the On-the-Go Printer Queue from the portable computing device” at least for the reasons described above in relation to claim 1 because Matsubayashi’s printer only reads “unique identification information” from a smart card to authenticate the person presenting the smart card as being the intended recipient. For Matsubayashi is similar to Mazzagatte as acknowledged by Appellant, similar sections as those discussed above with respect to Mazzagatte for claim 54 are found in

Art Unit: 2625

paragraphs 0113 and 0121 of Matsubayashi as pointed out in the advisory action, page 3. Thus, Matsubayashi teaches the code for “recording a reference to the On-the-Go Print Queue on a portable computing device” and “reading with a printer the reference to the On-the-Go Print Queue from the portable computer device” as claimed in claim 54.

With regard to Appellant’s argument on page 18 about how the printer knows where the “print node”/print queue that stores the print data is, the Examiner refers to Matsubayashi, paragraphs 0013 and 0121, which were pointed out in the advisory action (page 3), and from which it is known how the printer knows where the print queue that stores the print data is.

The rejection of dependent claims 57, 62, 67, and 68 are maintained for the reasons given for their independent claim 54.

With regard to independent claim 93, Applicant argues on page 19, that Matsubayashi does not teach a printer comprising structure for reading a smart card and “obtaining a from the smart card a reference to an On-the-Go print queue on the Internet” by stating, again, that Matsubayashi’s printer only reads “unique identification information” from a smart card to authenticate the person presenting the smart card as being the intended recipient. Appellant further argues that Matsubayashi is silent as to how the printer knows where the “print node”/printer queue that stores the print data is.

Art Unit: 2625

These arguments are similar to those described for claim 54 above. Thus, the reasons given for claim 54 are referred to for maintaining the rejection of claim 93.

The rejection of dependent claims 97 and 98 are maintained for the reasons given to their independent claim 93.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

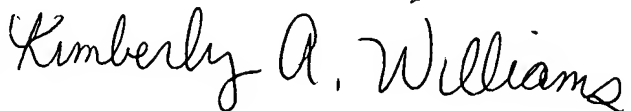

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